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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,539	08/29/2001	Simon Forrest	BAI525485/01701	7038
24118	7590	08/15/2005	EXAMINER	
HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119			JONES III, CLYDE H	
			ART UNIT	PAPER NUMBER

2611

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/941,539	<b>Applicant(s)</b> FORREST, SIMON	
	<b>Examiner</b> Clyde H. Jones III	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>July 3, 2003</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 5 and 10 are objected to because of the following informalities: regarding claim 5, the claim language should be corrected in the "Clean Version" of the claims because "is broadcast to said broadcast data generating said fixed or static screen display" should be deleted to reflect the changes made in the pre-amendment. Regarding claim 10, the phrase --having storage means for the selective processing and storage of said received data and-- should be added to the last line of the claim to reflect the changes in the pre-amendment.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, and 15 are rejected under 35 U.S.C. 102(e) as being unpatentable over Lawler et al. (US 6,868,551 B1).

Regarding claims 1 and 10, Lawler discloses a television system (fig. 1 & 2) comprising a broadcast data receiver connected to or integrally formed with a display

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screen (fig. 2& 3A), the broadcast data receiver receiving digital data from a broadcaster at a remote location and decoding and processing said data to provide video, audio and/or auxiliary data ("auxiliary data" reads on information related to computer-executed program, col. 4, lines 1-2) relating to a number of channels and programs (col. 3, line 67; col. 4, lines 9-20; fig. 2, elements 62 b & 66; col. 5, line 56), the broadcast data receiver having a storage means (fig. 2, element 68) for the selective processing and storage of the received data (col. 7, line 48-51 & col. 6, lines 8-10). And Lawler further discloses transmission of data for one or more channels (EPG) on which new and changing data is broadcast for a limited period of time in any given time period (EPG is cyclically transmitted to the receiver; i.e. daily, col. 6 lines 2-26), is identified by the broadcast data receiver and, in those time periods outside the given time period (period of receiving EPG outside the current time period; i.e. next day period or future programming schedule), audio/video is generated/displayed on the speaker/screen for the one or more channels from data held in said storage means (col. 6, lines 55-56; col. 7, lines 30-35; col. 7, lines 48-51).

Regarding claim 2, the limitation "outside the given time periods a repeat signal is transmitted from the broadcaster at spaced intervals and said broadcast data receiver generates a display from data held in said storage means between said spaced intervals" reads on Lawler's asynchronous loop of previews transmitted and the controller then displays the preview from memory (col. 9, lines, 35-45, col. 6, lines 55-56).

Regarding claims 4 and 11, Lawler discloses the generated display is a fixed or static screen display (EPG screen, fig. 3A & 3B, col. 5, lines 17-19).

Regarding claim 5, Lawler teaches that the data for generating the fixed or static screen display (EPG) is received and stored in the storage means on a single occasion in the given time period (Lawler discloses receiving and storing the EPG cyclically meaning once every time period i.e. daily, col. 6, lines 20-23).

In regards to claims 6 and 12, the limitation "the generated display is a repeated video display" is further met by Lawler's EPG which is repeatedly displayed <sup>when user requests it.</sup> (col. 5, lines 42-47).

Regarding claim 7, the limitation "the repeated video display is transmitted and stored in said broadcast data receiver storage means" is met by Lawler's EPG which is transmitted and stored in memory as discussed above in claim 1. The further limitation, "at pre-determined time intervals" is further met by Lawler (col. 6, lines 2-4 & 20-23, in which the broadcaster transmits EPG data to the receiver at pre-determined time intervals).

Regarding claim 8, Lawler teaches the "repeated video display is transmitted to said broadcast data receiver on a single occasion in the given time period" and "for

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storage in said storage means" (Lawler discloses receiving and storing the EPG cyclically meaning once every time period i.e. daily, col. 6, lines 20-23).

Regarding claim 13, Lawler discloses a method of generating a display for a television system (fig. 1 & 2) comprising a broadcast data receiver connected to or integrally formed or connected with a display screen (fig. 2 & 3A). The method includes the broadcast data receiver receiving digital data from a broadcaster at a remote location and decoding and processing the data to provide video audio and/or auxiliary data ("auxiliary data" reads on information related to computer-executed applications, col. 4, lines 1-2) relating to a number of channels and programs (col. 3, line 67; col. 4, lines 9-20; fig. 2, elements 62b & 66; col. 5, line 56). And Lawler further discloses the steps including the broadcast data receiver identifying data relating to one or more channels on which new and changing data is broadcast for a limited period of time only in any given time period (EPG is cyclically transmitted to the receiver; i.e. daily, col. 6 lines 2-26), the broadcast data receiver identifying time periods outside the given time period and in those outside time periods (period of receiving EPG outside the current time period; i.e. next day period or future programming schedule), the broadcast data receiver retrieving data stored in storage means (fig. 2, element 68) connected to the broadcast data receiver and generating/displaying audio/video on the speaker/screen for the one or more channels (col. 6, lines 55-56; col. 7, lines 30-35; col. 7, lines 48-51).

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Regarding claim 14, Lawler discloses the generated display is a fixed or static screen display from data in storage (EPG screen, fig. 3A & 3B, col. 5, lines 17-19; col. 6, lines 24-26).

Regarding claim 15, the limitation "generates a repeated video display from data stored in said storage means" is further met by Lawler's EPG which is repeatedly displayed (col. 5, lines 42-47; col. 6, lines 24-26).

4. Claims 3, 9, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. (US 6,868,551 B1) in view of Lang et al. (WO 00/40025).

Regarding claims 3 and 17, Lawler teaches the storage means being used as discussed in claim 1 above.

However, Lawler fails to teach a hard drive integrally formed with said broadcast data receiver.

In an analogous art Lang discloses a hard drive (fig. 1, element 28 & pg. 6, par. 2, line 8) integrally formed with said broadcast data receiver (fig. 1, element 10 & pg. 6, par. 2, line 1) for the purpose of storing a received program for display from memory in

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accordance with user preferences (pg. 10, par. 3, lines 4-5 & pg. 8, par. 1, lines 4-6; pg. 21, par. 2, lines 3-4).

It would have been obvious to one skilled in the art at the time the invention was made to modify the system of Lawler to include a hard drive integrally formed with said broadcast data receiver as taught by Lang for the added advantage of storing received data for display from memory (pg. 8, par. 2, lines 4-6) in accordance with user preferences (pg. 21, par. 2, lines 3-4).

Regarding claim 9, Lawler discloses an interactive television system that is enabled to perform customization of program information, remind viewer of selected programming, process interactive service request from the viewer to provide services such as an electronic programming guide, monitoring, administrative functions and data access (Lawler - col. 9, lines 65-67; col. 10, lines 45-51; col. 10, lines 24-25). Lawler further discloses a broadcast data receiver that "selects which channels to accept live data therefrom and which channels to generate a display from data stored in said storage means" (col. 6, lines 40-47 & 55-56 in which the controller selects currently broadcast data for a channel or data retrieved from memory).

Lawler fails to specifically disclose the limitation "broadcast data receiver is able to monitor the user's viewing habits and program preferences and, based on a pre-defined set of criteria".



In an analogous art Lang discloses the broadcast data receiver is able to monitor the user's viewing habits and program preferences and, based on a pre-defined set of criteria (page. 19, par. 1, lines 3-7, in which "monitoring the user's viewing habits and program preferences" reads on Lang's receiving user preferred programs information and user's usage history and statistics; page 21, par. 2, lines 3-4, in which "based on a pre-defined set of criteria" reads on using user preference and history information to select stored information).

It would have been obvious to one skilled in the art at the time the invention was made to modify the broadcast data receiver of Lawler to enable it to monitor the user's viewing habits and program preferences and, based on a pre-defined set of criteria as taught by Lang for the added advantage of displaying data from memory in accordance with user preferences and habits (pg. 8, par. 2, lines 4-6; pg. 21, par. 2, lines 3-4).

Regarding claim 16, Lawler discloses an interactive television system that is enabled to perform customization of program information, remind viewer of selected programming, process interactive service request from the viewer to provide services such as an electronic programming guide, monitoring, administrative functions and data access (col. 9, lines 65-67; col. 10, lines 45-51; col. 10, lines 24-25). Lawler further discloses a broadcast data receiver that "selects which channels to accept live data therefrom and which channels to generate a display from data stored in said storage

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means" (col. 6, lines 40-47 & 55-56 in which the controller selects currently broadcast data for a channel or data retrieved from memory).

Lawler fails to specifically disclose the limitation "broadcast data receiver is able to monitor the user's viewing habits and program preferences and, based on a pre-defined set of criteria".

In an analogous art Lang discloses the broadcast data receiver is able to monitor the user's viewing habits and program preferences and, based on a pre-defined set of criteria (page. 19, par. 1, lines 3-7, in which "monitoring the user's viewing habits and program preferences" reads on Lang's receiving user preferred programs information and user's usage history and statistics; page 21, par. 2, lines 3-4, in which "based on a pre-defined set of criteria" reads on using user preference and history information to select stored information).

It would have been obvious to one skilled in the art at the time the invention was made to modify the broadcast data receiver of Lawler to enable it to monitor the user's viewing habits and program preferences and, based on a pre-defined set of criteria as taught by Lang for the added advantage of displaying data from memory in accordance with user preferences and habits (pg. 8, par. 2, lines 4-6; pg. 21, par. 2, lines 3-4).

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER